IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY FIFTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE BILAL NAZKI

and
THE HON'BLE MR JUSTICE S.ANANDA REDDY

WRIT PETITION NO : 1516 of 2004

Between:

A.P.United Teachers Federation,

Regd. No.109/74, Domalaguda, Hyderabad

rep., by its President K. Jojayya. **..... PETITIONER**

AND

1.The Government of Andhra Pradesh,

Finance and Planning [Fin.Wing-EBS-Rev]Department,

rep., by its Secretary, Secretariat, Hyderabad.
2.The Commissioner of Commercial Taxes,

Nampally, Hyderabad. **.....RESPONDENTS**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction, more particularly one in the nature of Writ of Mandamus declaring the proceedings issued by the 2nd respondent in COTs. Ref.No.AIII[2]777/2000 dated 23.7.2003 are illegal, arbitrary and contrary to the orders issued in G.O.Ms.No.48 dated 15.3.1997 and set aside the same by declaring the same as illegal, arbitrary and violative of Article 14 of the Constitution of India.

Counsel for the Petitioner: MR.A.Satya Prasad

Counsel for the Respondents: Spl. Standing Counsel for Commercial Taxes

The Court made the following:

ORDER: **(PER Sri Bilal Nazki, J)**

On last occasion, learned Counsel for the petitioner sought time to file rejoinder. Rejoinder is not filed and learned Counsel for the petitioner is not present.

In this writ petition, a Circular has been challenged being CCT's Ref. No. AIII (2)/777/2000, dated 23-07-2003, as contrary to G.O.Ms.No.48 Finance and Planning (Finance Wing-EBS-REV) Department, dated 15-3-1997. G.O.Ms.No.48 laid down that the recovery of Profession Tax at the enhanced rates from the Non-Gazetted employees of the State Government shall be kept in abeyance. The present petitioners are teachers in aided schools. It is contended by learned Counsel for the respondents that G.O.Ms.No.48 would not apply to the petitioners as has been held by a Division Bench of this Court in '***ECIL Oficers Association and others vs. Govt. of A.P. and others' .***

Following the same judgment, this writ petition is dismissed. No costs.

(BILAL NAZKI, J)

25th October, 2004

(S.ANANDA REDDY, J)

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Copy to:

1.The Secretary,

Government of Andhra Pradesh,

Finance and Planning [Fin.Wing-EBS-Rev]Department,

Secretariat, Hyderabad.
2.The Commissioner of Commercial Taxes,

Nampally, Hyderabad.

3.Two CD copies.